

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

QWEST COMMUNICATIONS CORPORATION)	
)	
_____)	CASE NO. 2000-229
)	
ALLEGED VIOLATION(S) OF KRS 278.535)	

O R D E R

Qwest Communications Corporation ("Qwest") (d/b/a QNC, Qwest Network Construction Service) is a communications provider as defined in KRS 278.535(1)(a), is authorized to do business in Kentucky, and is subject to the Commission's jurisdiction. By Order dated December 28, 1994, the Commission issued a certificate of convenience and necessity to provide telecommunications service in Kentucky to Qwest, formerly known as Southern Pacific Communications Company. Qwest is a foreign corporation, identification number 0334831, authorized by the Office of the Secretary of State of the Commonwealth of Kentucky to do business in Kentucky as of August 23, 1994. The records maintained by the Office of Secretary of State show that the principal place of business for Qwest is 555 17th Street, Suite 1000, Denver, Colorado 80202 and show that the registered agent is CT Corporation System, Kentucky Home Life Building, Louisville, Kentucky 40202.

KRS 278.535(1)(a) prescribes statutory procedures for the proper changing of any Kentucky customer's primary telecommunications carrier.

COUNT I

1. On or about May 3, 1999, David Allen reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to Qwest without his authority or permission. Mr. Allen's telephone number is 606/358-2327.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Allen by which he properly authorized the carrier change.

COUNT II

1. On or about August 17, 1999, Ms. Ashwini Anand reported to Commission Staff by telephone that her long-distance carrier had been changed from MCI to Qwest without her authority or permission. Ms. Anand's telephone number is 606/878-8516.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Anand by which she properly authorized the carrier change.

COUNT III

1. On or about October 20, 1999, Ms. Jeff Bell reported to Commission Staff by telephone that Jeff Bell's long-distance carrier had been changed from Sprint to Qwest without his authority or permission. Mr. Bell's telephone number is 270/789-3234.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Bell by which he properly authorized the carrier change.

COUNT IV

1. On or about November 5, 1999, Mary Bengert reported to Commission Staff by telephone that her long-distance carrier had been changed to Qwest without her authority or permission. Ms. Bengert's telephone number is 606/255-3200.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Ms. Bengert by which she properly authorized the carrier change.

COUNT V

1. On or about November 3, 1999, James Benningfield reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to Qwest without his authority or permission. Mr. Benningfield's telephone number is 270/465-0105.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Benningfield by which he properly authorized the carrier change.

COUNT VI

1. On or about July 8, 1999, Jack Franklin reported to Commission Staff by letter that his long-distance carrier had been changed to Qwest without his authority or permission. Mr. Franklin's telephone number is 270/378-5360.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Franklin by which he properly authorized the carrier change.

COUNT VII

1. On or about August 4, 1999, Cuong Hoang reported to Commission Staff by telephone that his long-distance carrier had been changed from Sprint to Qwest without his authority or permission. Mr. Hoang's telephone number is 606/273-5729.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Hoang by which he properly authorized the carrier change.

COUNT VIII

1. On or about September 9, 1999, Billy Joseph reported to Commission Staff by telephone that his long-distance carrier had been changed from AT&T to Qwest without his authority or permission. Mr. Joseph's telephone number is 606/877-1750.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Joseph by which he properly authorized the carrier change.

COUNT IX

1. On or about June 28, 1999, Greg Patterson reported to Commission Staff by telephone that his long-distance carrier had been changed from Touch One to Qwest without his authority or permission. Mr. Patterson's telephone number is 606/382-9384.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Patterson by which he properly authorized the carrier change.

COUNT X

1. On or about February 11, 2000, Michael Rains reported to Commission Staff by telephone that his long-distance carrier had been changed from MCI to Qwest without his authority or permission. Mr. Rains's telephone number is 502/633-9212.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Mr. Rains by which he properly authorized the carrier change.

COUNT XI

1. On or about October 27, 1999, Nancy McClintock, on behalf of Slot City Raceway ("Slot City"), reported to Commission Staff by telephone that Slot City's long-distance carrier had been changed to Qwest without Slot City's authority or permission. Slot City's telephone number is 270/686-8555.

2. After investigation, Commission Staff has been unable to obtain or secure any written authorization or electronically recorded authorization of Slot City by which it properly authorized the carrier change.

Based on the foregoing allegations and on the results of the investigation by the Commission Staff, the Commission, on its own motion, HEREBY ORDERS that:

1. Qwest shall submit to the Commission within 30 days of the date of receipt of this Order a response to the allegations contained in each Count above.

2. Qwest shall appear on September 27, 2000 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of showing cause why it should not be subject to penalties pursuant to KRS 278.990(1) and KRS 278.535(6) for the alleged violations of law described herein.

3. Any request for an informal conference with the Commission Staff to consider any matter which would expedite the handling or disposition of this proceeding shall be filed with the Commission no later than 30 days from the date of receipt of this Order.

Done at Frankfort, Kentucky, this 23rd day of June, 2000.

By the Commission

ATTEST:


Executive Director